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Chiropractic Quality Assurance Commission Newsletter – 2020; Edition 1

Welcome to the Chiropractic Quality Assurance Commission Newsletter

Our newsletter's purpose is to help inform the chiropractic community of issues related to Washington State chiropractic [statutes](#) and [rules](#), and the work of the [Chiropractic Quality Assurance Commission](#) (Commission).

Governor

The Honorable Jay Inslee

Department of Health

John Wiesman, DrPH, MPH,
Secretary

Bob Nicoloff
Executive Director

Tammy Kelley
Commission Credentialing and
Disciplinary Manager

Jenny Yeam
Credentialing Lead and
Compliance Manager

Barbara Cleveland
Forms & Records Analyst

Brandy Acuff
Health Services Consultant

Commission Members

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Judy Colenso, Public Member
Vice-Chair

Michael Bostjancic, DC,
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Maria Best, DC
Susan Bogni, Public Member

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Stephen Chan, DC

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Susan Jensen, JD, Public Member

Michael Long, DC
Rebecca Taylor, DC

Jas Walia, DC

Vanessa Wise, DC

Message from the Chair – David Folweiler, DC

The COVID-19 pandemic has uprooted all of our lives. These are very challenging times and there is a lot of bad news right now. I do have hope for the future and am looking forward to returning to some sense of normalcy in the not too distant future. I hope that all of you are coping as well as you can and being as safe as possible.

As chair of the Chiropractic Quality Assurance Commission, I visualize my role as helping to channel the work of the Commission into a cohesive and collaborative whole. I think that an effective leader should assist the Commission in doing the work of its mission. I am hoping to highlight a few of our projects.

One of our most important projects is to revise our rules. The legislature creates statutes (RCW) in concert with the governor. It is the responsibility of the Commission to have a set of rules (WAC) that helps to clarify the statutes and provide guidance to our licensees and others. Several years ago, we set forth to look at all of our rules and revise them where necessary and appropriate. Some of our modifications were to simplify the language. Some were to consolidate similar rules. Some were to modernize the language. I am happy to report that we have updated and adopted over a dozen rules thus far. Another 40 or so rules are still in process and we are coordinating with the Department of Health to get those rules adopted.

Telehealth is an area where the Commission was lagging behind existing technologies and practices. In March 2020, we issued a policy statement giving guidance for Telehealth. This will be followed by a new rule.

Lastly, the Commission is proud to have a great staff to support their work. It has become apparent that in order to advance all of our efforts and not overwhelm our existing highly capable staff, we are looking to bring on additional talent. We are pleased that we've been able to add Brandy Acuff to our team as our Health Services Consultant. We are also fortunate that Barbara Cleveland will continue to work with the Commission as our new Forms and Records Analyst.

Many challenges and opportunities are before the Commission and I am happy to assist in any way I can.

Commission Member Spotlight

By Vanessa Wise, DC

Dr. Vanessa Wise grew up in the California Bay Area and received her undergraduate degree from University of California Berkeley with an emphasis in women's health. She worked at Kaiser Permanente as a health educator in the Bariatric Surgery department. After suffering from severe post-concussion syndrome due to a Motor Vehicle Collision where she was rear ended she sought out Chiropractic care. After six weeks of care her symptoms had virtually disappeared and she promptly enrolled at Life Chiropractic College West where she graduated in 2009.

She practiced in Lake Stevens and has returned to Auburn, Washington to be in practice helping to serve those suffering with traumatic brain injuries. Dr. Wise continues to learn and has completed a CDC ACSM CEC Certification on Concussions, Certification in DynaROM Evaluation, as well as Advanced CROFT certification.

Dr. Wise feels honored to be a part of the Chiropractic field and serving on the Chiropractic Quality Assurance Commission has let her give back in helping serve the community and the profession.

In her free time Dr. Wise enjoys playing badminton, gardening, and looking after her two cats, nine chickens, two ducks and many honey bees.

Malpractice and Cyber Security

By Vanessa Wise, DC

Malpractice insurance is a necessity for any healthcare provider and chiropractors are included in this group. There is an assortment of different malpractice insurance companies from which chiropractors can choose. Many malpractice companies offer similar rates and coverages. One may think they have sufficient coverage, but it may not be enough or the right type.

A recent issue that many chiropractors may not think or know about is cybersecurity. A few malpractice companies offer cyber security in their bundled package. However, others may offer it as an additional expense or may not offer it at all.

Cybersecurity is a big issue affecting not only chiropractors and healthcare professionals but large cities as well. The city of Sammamish recently had their system attacked with ransomware. Ransomware is exactly how it sounds - the computers' data and information is locked from the user or in this case city employees. To regain access, the victim either has to pay the ransom or hope that everything is backed up on a separate drive.

As small business owners, chiropractors are not immune to these computer hacking attempts. There has been a dramatic uptick in cyber-attacks of chiropractic clinics. There are several actions one can take to prevent malicious attacks including:

- Have cybersecurity coverage on your malpractice insurance in the event that you are attacked.
- Back up data daily onto a HIPAA compliant cloud drive, as well as a hard drive in your clinic. This way there will be two back-ups to restore your data.
- Adopt sign in sheets that are HIPAA compliant, even if the EHR system checks them in for you. Those can also be another back up that helps keep track of those patients who have come into the clinic.
- Having malpractice insurance with cybersecurity coverage, and taking steps to protect patient health records is imperative. Although an attack is unlikely, being prepared can significantly reduce the impact to a practice if an attack does happen.

Programs Help Impaired Practitioners Get Back On Track

by Marlee O’Neill, Legal Services Deputy Director

Alternative-to-discipline programs – sometimes called “impaired practitioner” programs – were developed in the early 1980s to address the issue of alcohol or other substance use disorders among nurses, but soon expanded to include other healthcare professions. These programs are designed to encourage health professionals to seek help before their substance use results in patient harm or avoid disciplinary action and potential loss of their credential.

These programs’ goal is to allow a return to practice under strict guidance and supervision that ensures public safety and holds the healthcare professional accountable. To date, 41 states, the District of Columbia, and the Virgin Islands have such programs. Washington has four such programs available to virtually all Department of Health-credentialed healthcare providers.

Washington Physicians Health Program (WPHP) provides services to physicians, osteopaths, physician assistants, veterinarians, and dentists. Washington Recovery Assistance Program for Pharmacy (WRAPP) serves all pharmacy professions. Nursing professions are served by Washington Health Professional Services (WHPS).

Washington Recovery and Monitoring Program (WRAMP) provides service to all credentialed healthcare professionals not covered by the other programs. This program provides services to chiropractors and chiropractic x-ray technicians.

Prospective participants can enter such programs through voluntary self-referral, as an alternative to credential discipline, or as part of a disciplinary process.

No matter what the profession or the reason for entering a program, all participants first complete a thorough substance use evaluation from a licensed behavioral healthcare facility. This evaluation becomes the basis for determining if a person is appropriate for a monitoring agreement and, if so, the length and terms of participation.

Typically, monitoring agreements consist of participation in substance use disorder treatment (if recommended); random alcohol and drug screening; participation in community-based recovery support meetings, such as Alcoholics Anonymous, Narcotics Anonymous, Celebrate Recovery, Smart Recovery, etc.; practice monitoring; and participation in a professionally-facilitated peer support group. Depending upon the profession, there may be practice restrictions, such as no access to controlled substances for a period of time.

Once people begin monitoring, they are required to check in daily online or via phone to determine if they are required to complete a drug test. Participants are randomly tested between 12 and 24 times per year, and may incur additional tests for missed check-ins or any time there is reasonable suspicion of unauthorized substance use. Two episodes of unauthorized substance use will result in discharge from the program.

Along with recovery-oriented meetings in the community, professional peer support groups provide an opportunity to meet with other participants in the program under the guidance of a professional facilitator to discuss issues affecting their recovery.

Participants who are working under their healthcare credential need to have a worksite monitor (usually their direct supervisor) who submits monthly reports on the person’s progress. If there is an episode of unauthorized substance use while working, participants agree to cease healthcare practice immediately and not to return to work until they have been re-evaluated.

In addition to monitoring participants, program staff members provide outreach to healthcare providers, substance use treatment facilities, professional associations, boards and commissions, schools, and any other group wanting education about addressing substance use in the workplace.

If you would like more information about these programs, please contact them directly.

[Washington Physicians Health Program](#)—206-583-0127

[Washington Recovery Assistance Program for Pharmacy](#)—360-629-9719

[Washington Health Professional Services](#)—360-236-2880 (Option 1)

[Washington Recovery and Monitoring Program](#)—360-236-2880 (Option 2)

Continuing Education Audits

By Jenny Yeam, Credentialing Lead and Compliance Manager

The Chiropractic Quality Assurance Commission (Commission) randomly audits a percentage of all currently licensed chiropractors and chiropractic X-ray technicians to ensure compliance with the continuing education (CE) requirement.

If you are selected for an audit, the Commission will notify you by email and the mailing address on file.

What happens if I'm audited?

All audited licensees must submit proof of course completion to the Commission within 60 days from the date of the audit request.

Acceptable forms of documentation should include the licensee's name, name of the course, date(s) of the course, the number of credit hours completed and signature of the program sponsor or course instructor.

Note: Multimedia courses are exempt from the signature requirement.

What happens if I fail the audit?

Failure to comply with the audit request or failure to meet the CE requirements may result in disciplinary action.

Where do I send the requested information?

Submit proof of course completion along with a copy of the audit request by mail or email to the following address:

Chiropractic Quality Assurance Commission
PO Box 47858
Olympia, WA 98504-7858
Email: CQAC@doh.wa.gov

We suggest you keep copies of all paperwork you submit to the Commission.

A few friendly reminders:

- Chiropractors must complete **25 hours** of continuing education per year. *Prior to the COVID-19 pandemic, no more than 12 of the 25 CE hours could be multimedia CE hours. However, under a temporary policy because of the pandemic, the Commission is allowing all CE hours to be multimedia.*
- Chiropractic x-ray technicians must complete **six hours** of continuing education per year.
- Continuing Education hours cannot be carried forward to the next reporting cycle.
- Taking the same course more than once during a reporting cycle will only be counted once.
- Keep records for two years documenting proof of course completion.

Questions? Contact the Commission at CQAC@doh.wa.gov or (360) 236-2822.

Disciplinary Actions

Information about healthcare providers is included at the Department of Health's website. Select [Provider Credential Search](#) on the Department of Health home page (www.doh.wa.gov). The site includes information about a healthcare provider's license status, the expiration and renewal date of his or her credential, disciplinary actions if any, and copies of any legal documents issued after July 1998. You may also get this information by calling 360-236-4700. Consumers who are concerned that a healthcare provider acted unprofessionally are encouraged to report a [complaint here](#).

The Chiropractic Quality Assurance Commission has taken the following disciplinary actions:

Chelan County

In October 2019 the Chiropractic Commission entered an agreement with chiropractor **Christie Marie Collier** (CH60186568) that indefinitely suspends her credential. Collier didn't comply with a substance abuse monitoring contract.

Grant County

In February 2020 the Chiropractic Commission restricted the license of Grant County chiropractor Richard L. Ribellia (CH.00001412) pending further legal action. Ribellia allegedly asked several of his female patients to disrobe for treatment when disrobing was not required for treatment. Charges state that he inappropriately touched these patients' breasts and genitalia while performing treatments. Ribellia also allegedly required his employees to come for free chiropractic treatment when they were ill instead of allowing them to take sick leave.

King County

In October 2019 the Chiropractic Commission charged chiropractor **Niels Jonathan Pedersen** (CH60602274) with unprofessional conduct. Pedersen allegedly published misleading advertising suggesting reversal and cures for type II diabetes and hypothyroidism. He allegedly used testimonials that didn't meet guidelines under state rules. Pedersen and a patient allegedly agreed to a type II diabetes treatment plan that included only supplement recommendations and no chiropractic manipulative treatment.

In November 2019 the Chiropractic Commission charged chiropractor **Mike Tuan Dang** (CH00034629) with unprofessional conduct. Dang allegedly practiced for nearly three years with an expired credential.

In November 2019 the Chiropractic Commission indefinitely suspended the chiropractor credential of **Kevin P. Leathers** (CH00002892), who didn't schedule a required exam.

In April 2020 the Chiropractic Commission ended conditions on the chiropractor credential of **Jeffrey M. Suver** (CH00033763).

In July 2020 the Chiropractic Commission amended the statement of charges against chiropractor **Caitlin Marie Czewowski** (CH60603264). Czewowski allegedly published misleading advertising about cures for diabetes and hypothyroidism, and practiced outside her scope in treating two diabetic patients.

In July 2020 the Chiropractic Commission amended the statement of charges against chiropractor **Niels Jonathan Pedersen** (CH60602274). Pedersen allegedly published misleading advertising about cures for diabetes and hypothyroidism, and practiced outside his scope in treating two diabetic patients.

Kitsap County

In October 2019 the Chiropractic Commission charged chiropractor **Blake J. Wagner** (CH00003095) with unprofessional conduct. Wagner's license expired in 2014. In 2016 he applied to reactivate it. In 2016 Wagner was convicted on two counts of driving under the influence. In 2017 he was convicted of felony driving under the influence, second-degree driving while license suspended or revoked, operation of a motor vehicle without ignition interlock device, and making a false or misleading statement to a public servant. In May 2020 the Commission entered an agreement that requires him to participate in a substance abuse monitoring program.

Pierce County

In October 2019 the Chiropractic Commission modified an agreement with chiropractor **Michael L. Wall II** (CH00034640). The modification places Wall on probation for three years and requires the chiropractor to have a radiographic technique mentor. Wall was placed on probation in 2017 in connection with patient treatment, X-ray, documentation, and billing issues.

In February 2020 the Chiropractic Commission suspended the license of Thomas A. Velickoff (CH00034710) pending further legal action. Charges state Velickoff treated patients without a commission-approved monitor present which violated the terms of a 2018 agreed order that required Velickoff to have a monitor present during the treatment of all patients. Allegations also state that Velickoff refused to comply with a requirement to allow unannounced audits to ensure compliance of the 2018 agreed order.

Snohomish County

In December 2019 the Chiropractic Commission charged chiropractor **Kenneth E. Parker** (CH00034069) with unprofessional conduct. Parker allegedly made inappropriate comments, asked patients to partially disrobe while he was in the room, and inappropriately exposed and/or inappropriately touched patients.

Out of State

Florida: In June 2020 the Chiropractic Commission conditionally granted a chiropractor credential to **Jack Stanley Pasula** (CH60948567) and placed him on probation for at least 24 months. While he had no Washington license, Pasula authorized laboratory tests for Washington patients without examining the patients. The testing was associated with treating mood disorders, and Pasula participated in treating mood disorders. That's outside a chiropractor's scope of practice in Washington.

Commission Composition

The Commission is composed of eleven chiropractors and three public members, all appointed by the governor. Commission members may serve a maximum of two four-year terms.

If you are interested in [applying for a position](#) on the Commission, or in learning more about Commission member duties, please read the information on our website:

<https://www.doh.wa.gov/LicensesPermitsandCertificates/ProfessionsNewReneworUpdate/Chiropractor/CommissionInformation> or contact the executive director at 360-236-4924 or at bob.nicoloff@doh.wa.gov.

Do you have ideas or suggestions for future Commission newsletters? Is there something specific that you think we should address or include? Please submit suggestions to tammy.kelley@doh.wa.gov or CQAC@doh.wa.gov.

Earn Continuing Education Credit!
Take The Continuing Education Quiz

The Commission is now allowing one hour of continuing education credit for reading this newsletter! To qualify, please take the quiz below. Keep the completed quiz with your other continuing education proof of completion.

If you are audited, provide the quiz along with your other proof of continuing education and you will receive one hour of continuing education under [WAC 246-808-150\(5\)\(p\)](#).

1. Which one of the following impaired practitioner programs provides services to chiropractors?
 - a. Washington Health Professional Services
 - b. Washington Physicians Health Program
 - c. Washington Recovery and Monitoring Program
 - d. Washington Recovery Assistance Program for Pharmacy

2. How many continuing education hours can be carried forward to the next reporting period?
 - a. None, because continuing education hours cannot be carried forward to the next reporting cycle.
 - b. 5
 - c. 6
 - d. 12

3. Is cybersecurity coverage automatically included in malpractice insurance policies?
 - a. Yes; all malpractice insurance policies include cybersecurity coverage.
 - b. Sometimes; only some malpractice insurance policies include cybersecurity coverage.
 - c. No; malpractice insurance policies never include cybersecurity coverage.

4. How many episodes of unauthorized substance use will result in discharge from an impaired practitioner program?
 - a. 1
 - b. 2
 - c. 3
 - d. 4

5. Which one of the following staff members is the newest to join the Commission?
 - a. Barbara Cleveland
 - b. Brandy Acuff
 - c. Jenny Yeam
 - d. Tammy Kelley
 - e. Bob Nicoloff

Remaining 2020 Chiropractic Commission Meeting Dates and Locations

<p>November 12, 2020 Business Meeting</p>	<p>Location To Be Determined</p>
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